

**Regular Meeting  
Board of Zoning Appeals  
March 7, 2007**

Chairman Jerry Uebelhor called the Regular Meeting of the Board of Zoning Appeals to order at 6:30 p.m. Secretary Lloyd Martin took roll call as follows:

Chairman Jerry Uebelhor	-Present	Randy Mehringer	-Present
Vice Chairman Jim Blessinger	-Present	Bob Wright	-Present
Secretary Lloyd Martin	-Present	Bldg. Comm. Dave Seger	-Present
Bob Cook	-Present	Atty. Sandy Hemmerlein	-Present

**PLEDGE OF ALLEGIANCE**

Chairman Uebelhor led the Pledge of Allegiance.

**APPROVAL OF THE MINUTES**

Minutes of the February 7, 2007 Regular Meeting were reviewed. Randy Mehringer made a motion to approve the minutes as mailed. It was seconded by Bob Cook. Motion carried 6-0.

**STATEMENT**

Chairman Uebelhor read the following statement. "We are now ready to begin the public hearings scheduled for this evening. With respect to tonight's meeting and public hearings, we are hereby incorporating by reference into the record of tonight's meeting and public hearings, City of Jasper Ordinance Number 1993-17, entitled "Zoning Ordinance of the City of Jasper, Indiana and its jurisdictional area" and any and all amendments thereto. Audio and videotapes of these proceedings are also incorporated by reference into this evening's record."

**OLD BUSINESS**

Petition of SCorp, Inc., for a special exception to allow a medical clinic in an R-3 (Residential) zone.

Bill and Gail Sturm, and Marty and Janet Serena, of SCorp, Inc. were present to request a special exception to allow a medical building in an R-3 (Residential) zone. The proposed property is located at the corner of 10<sup>th</sup> and Emily Streets and consists of approximately 2.5 acres.

Mr. Sturm explained that property was purchased 10 years ago and is currently subdivided to build twelve units of duplexes. The firm has been planning the change of use to build a medical facility for approximately five years.

Mr. Sturm gave a power point presentation of the proposed medical facility. The building would be that of an environmental development project, with a green landscaped roof, leaving some trees and planting some new ones. The one-story building would be constructed in the southwest corner of the site, measuring 20,000 square feet. A fence and landscaping would surround the property. A parking lot consisting of approximately 104 spaces would be located north and east of the facility, with access off of 10<sup>th</sup> Street and also off of Emily Street.

A drainage plan was addressed. Mr. Sturm said the 'green roof' would include vegetation planted in four to eight inches of soil to also help collect water.

After much discussion, the Board opened the floor to several remonstrators present wanting to voice opposition of the proposed project. Their main concerns included increased traffic, storm water drainage, and destroying the character of the residential neighborhood. Some remonstrators also contend that there is plenty of medical space already available in the area.

Attorney Sandy Hemmerlein read a letter from Dr. Yearsley, Terry and Myrna Hall, and also Delmar Bromm, Realtor, who could not be present for the meeting, stating their views and concerns. Those present that spoke before the Board included J.R. Hoffman, 825 W. 13<sup>th</sup> Street, Bernie Messmer, 955 Dorbett Street, Brad Seger, (on behalf of his mother, Lila) 909 W. 13<sup>th</sup> Street, Jackie Schwinghammer, 920 W. 10<sup>th</sup> Street, Mark Messmore, 1037 Dorbett Street, and Attorney Bill Shaneyfelt, on behalf of J.R. Hoffman.

After hearing the remonstrators, President Uebelhor asked Mr. Sturm and Mr. Serena if a study was done for the "need" of a medical building in the area. Mr. Serena said plans regarding the use of the property changed after the firm received inquiries from the hospital and individual physicians groups stating a need for a medical facility in the area.

Mr. Sturm assured the Board that the development would only occur if there is a commitment. He said there are currently no commitments for the facility but several inquiries.

With no more discussion, Vice Chairman Blessinger made a motion to close the public hearing. Secretary Martin seconded it. Motion carried 6-0.

Vice Chairman Blessinger made a motion to deny the special exception. It was seconded by Secretary Martin. Randy Mehringer voted against the motion. Motion carried 5-1 to deny the special exception.

The Board's findings were that the size, look of the building and the parking lot were not harmonious with adjacent buildings and property.

## **NEW BUSINESS**

Petition of John Voegerl for a special exception to allow a Home Occupation (clock repair shop).

Randy Mehringer made a motion to table the public hearing. Bob Cook seconded it. Motion carried 6-0.

Petition of City of Jasper (as owner) and Jasper Strassenfest Committee (as petitioner) for a variance from Section 16.03.060 (Limitation on Signs).

Mayor William Schmitt, present on behalf of the City of Jasper, and Amy Leinenbach, present on behalf of the Jasper Strassenfest Committee, appeared before the Board to request a variance to place four sign posts in the planters around the courthouse square to advertise for the annual Strassenfest. The advertising would display the top two or three levels of sponsorship, which would be \$1,000.00 or more.

Ms. Leinenbach said plans are to place a sign post in the landscaped planters in front of Siebert's, City Hall, Sternberg's and the former Flick's Pharmacy. The signs would be placed in the appropriate planters on Wednesday of the Strassenfest and be removed at the end of the fest on Sunday.

Mayor Schmitt also requested that signs be allowed for other City-sponsored functions, such as the Chalk Walk, with approval of the Board of Public Works and Safety.

With no remonstrators present, Bob Wright made a motion to close the public hearing. Vice Chairman Blessinger seconded it. Motion carried 6-0.

Bob Wright made a motion to grant a variance from Section 16.03.060, allowing the Strassenfest Committee to place four sign posts in the designated planters from Wednesday to Sunday during Strassenfest week, and to allow for any other City-sponsored events as deemed necessary, with approval of the Board of Public Works and Safety. Bob Cook seconded it. Motion carried 6-0.

Petition of Old National Bank for a variance to build within 10 feet of the front yard.

John Key and John Beckman, of Old National Bank, were present to request a variance to place an ATM 10 feet of the front yard at the main office located at One DCB Plaza.

The self-contained ATM is currently located at the former Drive-up on 6<sup>th</sup> Street. Plans are to move the machine onto the main office parking lot with customers entering on 6<sup>th</sup> Street and exiting off of 7<sup>th</sup> Street.

There were no remonstrators present. With no more discussion, Bob Cook made a motion to close the public hearing. Randy Mehringer seconded it. Motion carried 6-0.

Bob Cook made a motion to grant a variance to place an ATM within 10 feet of the front yard. Vice Chairman Blessinger seconded it. Motion carried 6-0.

Petition of Jeff's Baits and Guns for a variance to build within 3 feet of the front yard.

Jeff Miley was present to request a variance to add an addition onto his business, Jeff's Baits and Guns. The proposed property is located at 482 Second Avenue.

Plans are to extend the business 15 feet to the north, within three feet of the front yard setback. The Board members explained to Mr. Miley the possibility of the State Highway Department widening the road sometime in the future. With 65 feet of State-owned right-of-way, Mr. Miley could be forced to move his parking spaces.

Mr. Miley said he is aware of that possibility but is willing to take the risk. He explained that there is no room to build behind his business. There is 35 feet on the west side of his property; however, he said extending the building in that direction would make the building too long, which would entice shoplifters.

There were no remonstrators present. Vice Chairman Blessinger made a motion to close the public hearing. Bob Cook seconded it. Motion carried 6-0.

Bob Wright made a motion to grant a variance to build within three feet of the front yard at 482 Second Avenue. Vice Chairman Blessinger seconded it. Motion carried 6-0.

With no further discussion, Bob Cook made a motion to adjourn the meeting. Bob Wright seconded it. The motion carried 6-0, and the meeting was adjourned at 8:54 p.m.

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Jerry Uebelhor, Chairman

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Lloyd Martin, Secretary

Kathy M. Pfister, Recording Secretary